

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY.,**

Plaintiff,

- against -

SEMION GRAFMAN, et al.,

Defendants.
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GERSHON, United States District Judge:

On August 25, 2011, plaintiff filed a Motion for Default Judgment as a Sanction for Failure to Participate in Preparation of the Pre-Trial Order as to Igor Vetoukh. Defendant Vetoukh has, as of today, neither participated in preparation of the pre-trial order nor responded to plaintiff's Motion for Default Judgment. Plaintiff's Motion for Default is therefore GRANTED. As a result, there are no remaining defendants active in this case. All other defendants have either settled or have had default judgments entered against them. This case, therefore, will proceed to a determination of damages.

On November 10, 2010, plaintiff State Farm submitted, along with its Pre-trial Order, its Statement of Actual Damages, which detailed the damages it intended to claim against certain defendants. Since then, additional defendants have defaulted and should therefore be added to the Statement; and additional defendants have settled with plaintiff and should therefore be excluded from the Statement. As plaintiff has proposed, plaintiff is hereby directed, within 30 days, to re-file its Statement of Actual Damages, including only those defendants against whom it has obtained a default judgment. Additionally, plaintiff shall submit affidavits, and any supporting documents,

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ORDER

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supporting the dollar amount of damages it is alleging. Plaintiff is directed to serve these papers, by mail, together with a copy of this order on all defaulted defendants except those represented by counsel, who will receive them on ECF, and to file proof of service. Any defendant wishing to be heard shall submit a response in writing within 30 days of service.

The determination of damages as to all remaining defendants is hereby referred to Chief Magistrate Judge Steven M. Gold. All further scheduling and requests regarding damages will be handled by Magistrate Judge Gold.

SO ORDERED.

s/Nina Gershon

NINA GERSHON

United States District Judge

Dated: Brooklyn, New York
December 5, 2011